



City of Nedlands

# ***Minutes***

## ***Council Committee Meeting***

***10 May 2016***

### **ATTENTION**

**These minutes are subject to confirmation.**

Prior to acting on any resolution of the Council contained in these minutes, a check should be made of the Ordinary Council Meeting next following this meeting to ensure that there has not been a correction made to any resolution.

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## City of Nedlands

### Minutes of a meeting of the Council Committee held in the Council Chambers, Nedlands on Tuesday 10 May 2016 at 7 pm.

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#### Declaration of Opening

The Presiding Member declared the meeting open at 7 pm, and drew attention to the disclaimer below.

(NOTE: Council at its meeting on 24 August 2004 resolved that should the meeting time reach 11.00 p.m. the meeting is to consider an adjournment motion to reconvene the next day).

#### Present and Apologies and Leave Of Absence (Previously Approved)

<b>Councillors</b>	His Worship the Mayor, R M C Hipkins (Presiding Member)	
	Councillor G A R Hay	Melvista Ward
	Councillor T P James	Melvista Ward
	Councillor N W Shaw	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor W R B Hassell	Dalkeith Ward
	Councillor R M Binks	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor L J McManus	Coastal Districts Ward

<b>Staff</b>	Mr G K Trevaskis	Chief Executive Officer
	Mr A D Melville	Acting Director Corporate & Strategy
	Mr P L Mickleson	Director Planning & Development
	Mr M A Goodlet	Director Technical Services
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

**Public** There were 9 members of the public present including 1 staff member.

**Press** The Post Newspaper representative.

**Leave of Absence (Previously Approved)** Nil.

**Apologies** Councillor S J Porter Dalkeith Ward

**Absent** Nil.

## **Disclaimer**

Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council's position. For example by reference to the confirmed Minutes of Council meeting. Members of the public are also advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

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### **1. Public Question Time**

Nil.

### **2. Addresses By Members of the Public (only for items listed on the agenda)**

Mr Jason, Chen, 18 Bulimba Road, Nedlands (spoke in opposition to the recommendation)	PD17.16
Ms Imogen & Mr Athan Mirmikidis, 35 Shann Street, Floreat (spoke in support of the recommendation)	PD19.16
Mr David Majri & Ms Lilly Chen, 51 Kingsway, Nedlands (spoke in support of the application)	PD20.16
Mr Simon Yeoman, 2B Campsie Street, Nedlands (spoke in support of the application)	PD21.16
Mr Darren Chatfield, 125 Victoria Avenue, Dalkeith (spoke in support of the application)	PD23.16
Mr David Caddy, TPG Town Planning, Urban Design & Heritage Level 7, 182 St Georges Terrace, Perth (spoke in opposition to the recommendation)	PD24.16
Mr Chris Richardson, 10 Lynton Street, Swanbourne (spoke in support of the recommendation)	CM03.16

**3. Disclosures of Financial Interest**

The Presiding Member reminded Councillors and Staff of the requirements of Section 5.65 of the *Local Government Act* to disclose any interest during the meeting when the matter is discussed.

**3.1 Councillor Argyle – PD24.16 - Proposed Amendment to Town Planning Scheme No. 2 – Lots 12830, 12829, 11329, 10024, 9722 and 10162 Bedbrook Place, and Lot 11605 Lemnos Street, Shenton Park – Request to Adopt**

Councillor Argyle disclosed a financial interest in Item PD24.16 - Proposed Amendment to Town Planning Scheme No. 2 – Lots 12830, 12829, 11329, 10024, 9722 and 10162 Bedbrook Place, and Lot 11605 Lemnos Street, Shenton Park – Request to Adopt, his interest being that his wife is a board member of Westcare as one of the Owners in this item. He advised that he would leave the meeting when this matter is being considered.

**4. Disclosures of Interests Affecting Impartiality**

The Presiding Member reminded Councillors and Staff of the requirements of Council's Code of Conduct in accordance with Section 5.103 of the *Local Government Act*.

Nil.

**5. Declarations by Members That They Have Not Given Due Consideration to Papers**

Nil.

**6. Confirmation of Minutes**

**6.1 Committee Meeting 12 April 2016**

Moved – Councillor Shaw  
Seconded – Councillor Argyle

**The minutes of the Council Committee held 12 April 2016 be confirmed.**

**CARRIED 11 /-**

**7. Matters for Which the Meeting May Be Closed**

Nil.

## 8. Divisional Reports

Note: Regulation 11(da) of the *Local Government (Administration) Regulations 1996* requires written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70, but not a decision to only note the matter or to return the recommendation for further consideration.

### 8.1 Planning & Development Report No's PD17.16 to PD24.16

Planning & Development Report No's PD17.16 to PD24.16 to be dealt with at this point (copy attached yellow cover sheet).

<b>PD17.16</b>	<b>(Lot 100) No. 6/158 Stirling Highway, Nedlands – Proposed Change of Use (From Showroom to Health Studio)</b>
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<b>Committee</b>	10 May 2016
<b>Council</b>	24 May 2016
<b>Applicant</b>	F45 Training Nedlands
<b>Owner</b>	Noosa Pty Ltd
<b>Officer</b>	Mr A D Bratley – Coordinator Statutory Planning
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>File Reference</b>	DA2016/71 – ST6/158
<b>Previous Item</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Site Plan and Floor Plans (A3)</li> <li>2. Proposed Signage Details (A3)</li> <li>3. Applicant's Car Parking Provisions Assessment (A4)</li> </ol>

**Regulation 11(da) – Not Applicable – Recommendation Adopted.**

Moved – Councillor Shaw

Seconded – Councillor Binks

**That the Recommendation to Committee be adopted.**

(Printed below for ease of reference)

**CARRIED 8/1**  
**(Against: Cr. Horley)**  
**(Abstained: Crs. Hay James & McManus)**

**Committee Recommendation / Recommendation to Committee**

**Council approves the application for the proposed change of use (from Showroom to Health Studio) at (Lot 100) No. 6/158 Stirling Highway, Nedlands, in accordance with the application received on 2 March 2016, subject to the following conditions and advice:**

- 1. The development shall at all times comply with the approved plans.**
- 2. The car-parking bays, vehicular and pedestrian access ways, and signage being maintained by the landowner to the City's satisfaction.**
- 3. An acoustic report being submitted to and approved by the City prior to the health studio commencing (refer to Advice Note 2).**
- 4. The health studio complying with the recommendations of the acoustic report, to the City's satisfaction.**
- 5. The illuminated signage being of a low level not exceeding 300cd/sqm and may not flash, pulsate and/or chase.**
- 6. The signage shall not contain fluorescent, reflective or retro reflective colours and/or materials.**

**Advice Notes specific to this proposal:**

- 1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.**
- 2. With regard to condition 3, the applicant/landowner is advised that the acoustic report is to include the following information as a minimum:**

**a) Site Map identifying**

- i. Location of noise sensitive premises**
- ii. Outside noise sources**
- iii. Topographical data, natural and constructed development and surrounding land uses which may affect noise propagation**
- iv. Predicted noise measurement locations**

**b) Site specific issues to be addressed**

- i. Parking locations and operations with relation to noise i.e. car doors slamming, conversations of health studio users, entrance/exit noise to the premise**

- ii. **Mechanical exhaust and ventilation including noise paths**
  - iii. **Air conditioning/refrigeration**
  - iv. **Closest noise sensitive receivers**
- c) **Noise impact predictions from the proposed development**
  - i. **Noise comparison between existing and proposed used**
  - ii. **Comparison to relevant criteria, Environmental Protection (Noise) Regulations 1997 – assigned noise levels including influencing factor calculations**
- d) **A noise management plan including the management of piped and live music and operational noise i.e weights, voices etc.**
- 3. **A separate Planning application is required to be lodged and approved prior to the erection/installation of any signage on the lot which does not form part of this approval.**
- 4. **The change of use will constitute a public building and the applicant will need to comply with both Health Act 1911 and Health (Public Buildings) Regulations 1992.**
  - a) **The applicant shall lodge with the City a *Form 1 Application to Construct, Extend or Alter a Public Building*, prior to the City issuing a Building Permit.**
  - b) **Upon completion of construction and/or fit-out works, applicant shall lodge with the City a *Form 2 Application for Certificate of Approval* and a *Form 5 Certificate of Electrical Compliance* which has been completed by a licensed electrician.**
  - c) **Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.**
  - d) **A building shall not be occupied unless it has been inspected by an Environmental Health Officer at the City and the City has issued both an Occupancy Permit and *Form 4 Certificate of Approval***
  - e) **Where it is intended for the building to be occupied by more than 50 persons, the building shall have more than one designated exit and there shall be sufficient aggregate exit width, separation, distances of travel and exit paths for the proposed number of persons and class of building.**
- 5. **The applicant and landowner are advised that Condition 5 and 6 are as a result of comments received from Main Roads Western Australia.**



<b>PD18.16</b>	<b>(Lot 373) No. 19B Broadway, Nedlands – Proposed Change of Use (From Single Dwelling to Shop)</b>
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<b>Committee</b>	10 May 2016
<b>Council</b>	24 May 2016
<b>Applicant</b>	Vinnicombe Property Group
<b>Landowner</b>	M and E Vinnicombe
<b>Officer</b>	Mr A D Bratley – Coordinator Statutory Planning
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>File Reference</b>	DA2016/78 – BR2/19
<b>Previous Item</b>	Nil
<b>Attachments</b>	1. Site Plan (A3) 2. Photograph of the property as seen from 17 Cooper Street (A4)

**Regulation 11(da) – Not Applicable – Recommendation Adopted.**

Moved – Councillor Shaw

Seconded – Councillor Binks

**That the Recommendation to Committee be adopted.**

(Printed below for ease of reference)

**CARRIED 11/-  
(Abstained: Cr. James)**

**Committee Recommendation / Recommendation to Committee**

**Council approves the application for the proposed change of use (from Single Dwelling to Shop) at (Lot 373) No. 19B Broadway, Nedlands, in accordance with the application received on 9 March 2016, subject to the following conditions and advice:**

- 1. The development shall at all times comply with the approved plans.**
- 2. The car-parking bays, vehicular and pedestrian access ways being maintained by the landowner to the City’s satisfaction.**
- 3. The operation complying with definition for the use ‘Shop’ stipulated under Town Planning Scheme No. 2 (refer to Advice Note 1).**

**Advice Notes specific to this proposal:**

1. The applicant/landowner is advised that the use 'Shop' is defined as being the following under Town Planning Scheme No. 2:

*"Means any building wherein goods or services are exposed or offered for sale by retail and without limiting the generality of the foregoing shall include:*

*a) shops for the sale of foodstuffs generally, clothing, drapery, furniture and furnishings, footwear, hardware, electrical goods, sporting goods, toys and secondhand goods; jewellers, chemists, stationers, newsagents, variety stores, photographic studios and supplies, florists, dry-cleaning agencies, barbers and hairdressers; and liquor stores;*

*b) but shall not include a service office, a general office, a professional office or a market."*

2. A separate Planning application is required to be lodged and approved prior to the erection/installation of any signage on the lot.
3. Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.
4. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.

<b>PD19.16</b>	<b>(Lot 75) No. 35 Shann Street, Floreat – Retrospective Privacy Screening</b>
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<b>Committee</b>	10 May 2016
<b>Council</b>	24 May 2016
<b>Applicant</b>	I and A Mirmikidis
<b>Landowner</b>	I and A Mirmikidis
<b>Officer</b>	Andrew Bratley – Coordinator Statutory Planning
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>File Reference</b>	DA2016/80 – SH1/35
<b>Previous Item</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Site Plan</li> <li>2. Elevations</li> <li>3. Photographs of the privacy screening towards 33 Shann Street</li> <li>4. Photographs of the privacy screening towards 35 Shann Street</li> </ol>

Ms Imogen & Mr Athan Mirmikidis, 35 Shann Street, Floreat  
(spoke in support of the recommendation)

PD19.16

**Regulation 11(da) – Not Applicable – Recommendation Adopted.**

Moved – Councillor Wetherall  
Seconded – Councillor Binks

**That the Recommendation to Committee be adopted.**  
(Printed below for ease of reference)

**CARRIED 9/-**  
**(Abstained: Crs. Shaw McManus & Smyth)**

**Committee Recommendation / Recommendation to Committee**

**Council approves the retrospective development application to retain a privacy screen adjacent to the eastern (side) boundary at (Lot 75) No. 35 Shann Street, Floreat, subject to the following conditions and advice:**

- 1. The development shall at all times comply with the approved plans; and**
- 2. The privacy screening shown on the approved plans being maintained by the landowners to the City's satisfaction.**

**Advice Notes specific to this approval:**

- 1. Any fencing and/or further privacy screening behind the street setback area which is more than 1.8m in height above natural ground level and within 0.9m of a dividing lot boundary, requires approval from the City prior to erecting.**

<b>PD20.16</b>	<b>(Lot 585) No. 51 Kingsway, Nedlands – Proposed Carport and Patio</b>
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<b>Committee</b>	10 May 2016
<b>Council</b>	24 May 2016
<b>Applicant</b>	Modern Decoration Pty Ltd
<b>Landowner</b>	L Chen and D Majri
<b>Officer</b>	Andrew Bratley – Coordinator Statutory Planning
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>File Reference</b>	DA2016/19 – KI3/51
<b>Previous Item</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Site Plan</li> <li>2. Elevations</li> <li>3. Photograph of the proposed patio location on 51 Kingsway</li> <li>4. Photograph of the proposed patio location as viewed from 49 Kingsway</li> </ol>

Mr David Majri & Ms Lilly Chen, 51 Kingsway, Nedlands  
(spoke in support of the application)

PD20.16

**Regulation 11(da) – Not Applicable – Recommendation Adopted.**

Moved – Councillor Shaw  
Seconded – Councillor Smyth

That Council approves the development application to construct a carport and refuses the development application to construct the patio at (Lot 585) No. 51 Kingsway, Nedlands, subject to the following conditions and advice:

1. The development shall at all times comply with the approved plans.
2. This development approval pertains to the carport only.
3. All sides of the carport shall remain open, including the front facing the street.
4. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development.

5. All street trees in the verge are to be retained and shall not be removed without prior written approval from the City's Manager Parks Services.

Advice Notes specific to this approval:

1. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block.
2. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.

**LOST on casting vote of Mayor 6/6  
(Against: Mayor Hipkins Crs. Binks Wetherall  
McManus Argyle & Hassell)**

Moved – Councillor Binks

Seconded – Councillor McManus

**That the Recommendation to Committee be adopted.**

(Printed below for ease of reference)

**CARRIED 5/4  
(Against: Crs. Hay James Shaw & Smyth)  
(Abstained: Crs. Hodsdon Horley & Hassell)**

#### **Committee Recommendation / Recommendation to Committee**

**Council approves the development application to construct a carport and patio at (Lot 585) No. 51 Kingsway, Nedlands, subject to the following conditions and advice:**

1. The development shall at all times comply with the approved plans.
2. This development approval pertains to the patio and carport only.
3. All sides of the carport shall remain open, including the front facing the street.
4. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development.

- 5. All street trees in the verge are to be retained and shall not be removed without prior written approval from the City's Manager Parks Services.**

**Advice Notes specific to this approval:**

- 1. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block.**
- 2. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.**

<b>PD21.16</b>	<b>(Lot 26) No. 2B Campsie Street, Nedlands – Retrospective Front Fence</b>
<b>Committee</b>	10 May 2016
<b>Council</b>	24 May 2016
<b>Applicant</b>	Mr S Yeoman
<b>Owner</b>	Mr S Yeoman
<b>Officer</b>	Julian Berzins – Statutory Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>File Reference</b>	DA2016/22
<b>Previous Item</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Survey plan</li> <li>2. Site plan and elevation</li> <li>3. Applicants justification</li> <li>4. Photos of fencing on lots adjoining and directly opposite subject property</li> <li>5. Site Photographs</li> </ol>

Mr Simon Yeoman, 2B Campsie Street, Nedlands  
(spoke in support of the application)

PD21.16

**Regulation 11(da) – The Committee chose to exercise its discretion to recommend approval for reasons of privacy and no other alternative for outside play/activity for this residence.**

Moved – Councillor Wetherall  
Seconded – Councillor Binks

#### **Committee Recommendation**

**Council approves the application for a retrospective solid fence at Lot (26) No. 2B Campsie Street Nedlands, in accordance with the application and plans received on 2 February 2016, subject to the following conditions:**

- 1. The fence be continuously maintained by the landowner to the satisfaction of the City.**
- 2. The applicant making application to the City for a Building Permit within 28 days of the decision for acknowledgement of the unauthorised works.**

**CARRIED 7/4**  
**(Against: Mayor Hipkins Crs. Hay Shaw & Smyth)**  
**(Abstained: Cr. James)**



### Recommendation to Committee

Council refuses the retrospective application for solid fencing within the primary street setback area of Lot (26) No. 2B Campsie Street, Nedlands, received 2 February 2016, for the following reasons:

1. The proposal does not satisfy the design principles stipulated under clauses 5.2.4 (street walls and fences) of the Residential Design Codes and not complying with the City's Fill and Fencing Local Planning Policy, due to the solid fencing infill not positively contributing to the streetscape.
2. The fencing is setting an undesirable precedence for the locality.
3. The solid front fence does not represent the orderly and proper planning of the City and conflicts with cl. 6.5.1 of Town Planning Scheme No. 2.

### Advice Notes specific to this refusal:

1. The applicant is advised that if the solid fencing within the primary street setback area is not removed within 28 Days from the date of this decision, the City may issue a Planning Infringement Notice (PIN) as an offence under Regulation 42 of the Planning and Development Regulations 2009 has been committed. A PIN carries an initial penalty of up to \$500.00 and can be issued on multiple occasions by the City prior to taking legal action.
2. The location of any waste receptacles shall be behind the street alignment and so as not to be visible from a street or public place, in accordance with the *City of Nedlands Health Local Law 1997*.

<b>PD22.16</b>	<b>(Lot 15) No. 87 Melvista Avenue, Nedlands – Addition (Garage)</b>
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<b>Committee</b>	10 May 2016
<b>Council</b>	24 May 2016
<b>Applicant</b>	E & C Carson
<b>Owner</b>	E & C Carson
<b>Officer</b>	Julian Berzins – Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>File Reference</b>	DA16/96
<b>Previous Item</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Plans</li> <li>2. Existing parking arrangements along Melvista Avenue</li> <li>3. Existing street elevation</li> </ol>

Councillor Hay and Councillor Hassell left the room at 8.20 pm.

**Regulation 11(da) – Not Applicable – Recommendation Adopted.**

Moved – Councillor Shaw  
 Seconded – Councillor Binks

**That the Recommendation to Committee be adopted.**  
 (Printed below for ease of reference)

**CARRIED 6/1**  
**(Against: Cr. Argyle)**  
**(Abstained: Crs. Hodsdon Wetherall & McManus)**

**Committee Recommendation / Recommendation to Committee**

**Council refuses the development application for a double garage to be constructed at (Lot 15) No.87 Melvista Avenue, Nedlands, received on 24 March 2016, for the following reasons:**

- 1. The proposal not satisfying the Design Principles stipulated under clause 5.1.3 (Lot Boundary Setback) of the Residential Design Codes due to the proposed nil boundary setback of the garage not positively contributing to the streetscape and prevailing development context.**
- 2. The proposal setting an undesirable precedence in terms of a boundary wall being visible from the primary street on a low density property.**
- 3. The garage boundary wall in the R10 zone does not represent the orderly and proper planning of the City and conflicts with cl. 6.5.1 of Town Planning Scheme No. 2.**
- 4. The proposal not satisfying provisions (m) and (n) of the Planning and Development (Local Planning Schemes) Regulations 2015 cl.67, as the proposal for a boundary wall is incompatible with low density zone and will negatively impact the character of the locality.**

**Advice specific to this approval:**

- 1. The applicant is advised that the construction of a carport forward of the primary street setback would be considered subject to complying with Town Planning Scheme No.2 and Councils carport policy.**

Councillor Hassell & Councillor Hay returned to the room at 8.22 pm.

<b>PD23.16</b>	<b>Proposed Amendments to Fill and Fencing Local Planning Policy (LPP)</b>
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<b>Committee</b>	10 May 2016
<b>Council</b>	24 May 2016
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Andrew Bratley – Coordinator Statutory Planning
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>File Reference</b>	PLAN-LPP-00003
<b>Previous Item</b>	PD49.15 – November 2015
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Existing Fill and Fencing Local Planning Policy (June 2014)</li> <li>2. Proposed Amended Fill and Fencing Local Planning (Approved by Council for the purpose of public consultation)</li> </ol>

Mr Darren Chatfield, 125 Victoria Avenue, Dalkeith  
(spoke in support of the application)

PD23.16

**Regulation 11(da) – Not Applicable – Recommendation Adopted.**

Moved – Councillor Shaw  
Seconded – Councillor Smyth

**That the Recommendation to Committee be adopted.**  
(Printed below for ease of reference)

Mr Melville left the room at 8.29 pm and returned at 8.31 pm.

Councillor Horley and Councillor Hodsdon left the room at 8.32 pm.

Councillor Horley returned to the room at 8.33 pm.

Councillor Hodsdon returned to the room at 8.34 pm.

Councillor McManus left the room at 8.40 pm and returned at 8.43 pm.

**CARRIED 9/2**  
**(Against: Crs. Wetherall & Argyle)**  
**(Abstained: Cr. McManus)**

**Committee Recommendation / Recommendation to Committee**

**Council adopts the draft Fill and Fencing Local Planning Policy with amendments.**

<b>PD24.16</b>	<b>Proposed Amendment to Town Planning Scheme No. 2 – Lots 12830, 12829, 11329, 10024, 9722 and 10162 Bedbrook Place, and Lot 11605 Lemnos Street, Shenton Park – Request to Adopt</b>
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<b>Committee</b>	10 May 2016
<b>Council</b>	24 May 2016
<b>Applicant</b>	TPG Town Planning, Urban Design and Heritage
<b>Owner</b>	Various
<b>Officer</b>	Andrew Bratley – Coordinator Statutory Planning
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>File Reference</b>	PLAN-IRC-00031
<b>Previous Item</b>	Item PD29.15 – May 2015 Item PD33.15 – July 2015
<b>Attachments</b>	1. Request to Amend Town Planning Scheme No. 2 2. Bushfire Hazard Assessment Report provided by applicant.

Mr David Caddy, TPG Town Planning, Urban Design & Heritage PD24.16  
Level 7, 182 St Georges Terrace, Perth  
(spoke in opposition to the recommendation)

### **Councillor Argyle - Financial Interest**

Councillor Argyle disclosed a financial interest. His interest being that his wife is a board member of Westcare as one of the Owners in this item. He advised that he would leave the meeting when this matter is being considered

Councillor Argyle left room at 8.55 pm.

**Regulation 11(da) – Not Applicable – Recommendation Adopted.**

Moved – Councillor Wetherall

Seconded – Councillor Binks

Council:

1. Deems the amendment to be ‘complex’ under Part 5 Division 1, Regulation 34 complex amendment clause (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reason:

*“b) An amendment that is not addressed by any local planning strategy.”*

2. Adopts the proposed scheme amendment to rezone Lots 12830, 12829, 11329, 10024, 9722 and 10162 Bedbrook Place, and Lot 11605 Lemnos Street, Shenton Park, from Public Purpose – Hospital to Special Use; and amend Schedule V (Special Use Zone) of Town Planning Scheme No. 2, subject to the following modifications being made to the Schedule V provisions prior to the amendment being submitted to the Western Australian Planning Commission:

- a) Modify clauses i) and iii) for Lots 12830, 12829 and 11329 Bedbrook Place, and Lot 11605 Lemnos Street, to the following:

*“i) All development standards, with the exception of Clause 5.11 (Maximum Building Height), shall be in accordance with the requirements of the ‘Office/Showroom’ zone; and”*

*“iii) The maximum building heights (this is the distance between the point where the base of the wall meets the natural ground level and measured to the highest point of a wall or roof of a building vertically above that point excluding minor projections) of any building shall be 18 metres.”*

- b) Modify clauses i), iii) and iv) for Lots 10024, 9722 and 10162 Bedbrook Place, to the following:

*“i) All development standards, with the exception of Clause 5.11 (Maximum Building Height), shall be in accordance with the requirements of the ‘Office/Showroom’ zone;”*

*“iii) Other uses may be considered by Council following approval of a Local Development Plan; and”*

*“iv) The maximum building heights (this is the distance between the point where the base of the wall meets the natural ground level and measured to the highest point of a wall or roof of a*

*building vertically above that point excluding minor projections) of any building shall be 18 metres.”*

- c) The inclusion of provisions relating to how remnant vegetation on the lots will be protected.

Mrs Ceric left the room at 8.57 pm and returned at 8.58 pm.

LOST 1/8  
(Against: Mayor Hipkins Crs. Hodsdon Hay James Shaw Horley Smyth & Hassell)  
(Abstained: Crs. Wetherall & McManus)

Moved – Councillor Hassell  
Seconded – Councillor Wetherall

**That the Recommendation to Committee be adopted.**  
(Printed below for ease of reference)

**CARRIED 9/1**  
**(Against: Cr. Binks)**  
**(Abstained: Cr. McManus)**

#### **Committee Recommendation / Recommendation to Committee**

##### **Council:**

- 1. does not adopt the proposed scheme amendment to rezone Lots 12830, 12829, 11329, 10024, 9722 and 10162 Bedbrook Place, and Lot 11605 Lemnos Street, Shenton Park, from Public Purpose – Hospital to Special Use; and amend Schedule V (Special Use Zone), for the following reasons:**
  - a) Council resolving at its May 2015 Ordinary Meeting not to initiate further amendments to Town Planning Scheme No. 2 due to the preparation of Local Planning Scheme No. 3; and**
  - b) The need for more comprehensive planning for the area taking into consideration the potential redevelopment of all the lots along Bedbrook Place and those lots immediately to the north.**
- 2. instructs Administration to consider the proposed rezoning of the lots along Bedbrook Place and those lots immediately to the north, when preparing Local Planning Scheme No. 3.**

Councillor Binks & Councillor Shaw left room at 9.10 pm.  
Councillor Argyle returned to the room at 9.11 pm.  
Councillor Binks returned to the room at 9.11 pm.



**8.2 Community & Organisational Development No's CM03.16**

Report No's CM03.16 to be dealt with at this point (copy attached orange cover sheet).

<b>CM03.16</b>	<b>Dalkeith Nedlands Bowling Club Funding Request</b>
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<b>Committee</b>	10 May 2016
<b>Council</b>	24 May 2016
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Amanda Cronin - Senior Community Development Officer Marion Granich - Manager Community Development
<b>Director</b>	Andrew Melville – Acting Director Corporate & Strategy
<b>File Reference</b>	Fin/072-17
<b>Previous Item</b>	Nil.

Mr Chris Richardson, 10 Lynton Street, Swanbourne  
(spoke in support of the recommendation)

CM03.16

Councillor Shaw returned to the room at 9.12 pm.

**Regulation 11(da) – Not Applicable – Recommendation Adopted.**

Moved – Councillor Shaw  
Seconded – Councillor Hassell

**That the Recommendation to Committee be adopted.**  
(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 12/-**

**Committee Recommendation / Recommendation to Committee**

**Council approves a grant of \$33,697 (ex GST) to the Dalkeith Nedlands Bowling Club as a maximum of 50% of the cost of replacement of the whole boundary hedge with a fence.**

**8.3 Corporate & Strategy Report No's CPS16.16**

Report No's CPS16.16 to be dealt with at this point (copy attached green cover sheet).

<b>CPS16.16</b>	<b>List of Accounts Paid – March 2016</b>
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<b>Committee</b>	10 May 2016
<b>Council</b>	24 May 2016
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Kim Chau – Manager Finance
<b>Director</b>	Andrew Melville – Acting Director Corporate & Strategy
<b>File Reference</b>	Fin/072-17
<b>Previous Item</b>	Nil.

**Regulation 11(da) – Not Applicable – Recommendation Adopted.**

Moved – Councillor Shaw  
 Seconded – Councillor Binks

**That the Recommendation to Committee be adopted.**  
 (Printed below for ease of reference)

**CARRIED UNANIMOUSLY 12/-**

**Committee Recommendation / Recommendation to Committee**

**Council receives the List of Accounts Paid for the month of March 2016 (refer to attachment).**

**9. Reports by the Chief Executive Officer**

Nil.

**10. Urgent Business Approved By the Presiding Member or By Decision**

Nil.

**11. Confidential Items**

Nil.

**Declaration of Closure**

There being no further business, the Presiding Member declared the meeting closed at 9.19 pm.